

## REMARKS

Claims 1, 2 and 8-20 stand rejected under 35 U.S.C. § 112, first and second paragraphs. Specifically, the Office Action rejects claim 1 for lack of enablement and clarity with respect to the feature of the antenna device being “operable to supply energy in a non-contact manner...regardless of whether the external circuit bridge is an open or closed circuit.”

Applicant has amended claim 1 herein. After entry of the present Amendment, Applicant respectfully disagrees and traverses the rejections with regard to the amended claims as follows.

Amended claim 1, in relevant part, clearly recites “the antenna device being connected to the switching circuit to supply energy in a non-contact manner from outside the seal body to the switching circuit and to provide non-contact transmission of data from the switching circuit regardless of whether the external circuit bridge is an open or closed circuit.” At least FIGS. 3, 9 and 10 and the surrounding discussion provide an enabling disclosure regarding exemplary embodiments of sealing devices that embody this feature.

For example, with respect to the antenna device 82 of FIG. 9, the Specification as originally filed discloses that:

“...both the *data access function* by way of an externally arranged reading device (not shown in detail in the drawing), which reading device communicates with the antenna device 82, and the *energy supply function* of the antenna device 82 are *independent of the contact device 70 or of the integrity of the circuit bridge 84 which leads through an attachment device 87 of the seal device 61*. In this way it is possible to read data, which can for example comprise product information or supply data relating to the object to which the seal device is affixed, from the chip of the chip module 80 even in those cases where the circuit bridge 84 due to separate or due to an open contact device 70 is not closed.” (emphasis added)(See FIG. 9 and page 11, lines 18-28)

Moreover, as shown in FIG. 9 and described in the Specification at page 11, lines 10-16, the antenna device 82 and the external circuit bridge 84 are connected to the chip module 80 through respective connection surface arrangements 81 and 83. Accordingly, one skilled in the art would recognize that because the antenna device 82 and the external circuit bridge 84 are independently connected to the chip module 80, the antenna device 82 is connected to the switching circuit to both supply energy to the chip module 80 and transmit data from the chip module 80 regardless of whether the external circuit bridge is an open or closed circuit.

Likewise, the seal device of FIG. 3 employs a similar circuit design in which the antenna device 40 and the circuit bridge formed by wire conductor 25 are connected to the chip module

34 by respective contact surfaces (29, 31) and (36, 37). As a result, "the function of the antenna device 40 does not depend on whether the circuit bridge that is formed by the wire conductor 25 in the attachment device 22 is closed or separated." See Specification as originally filed on page 8, lines 17-31.

With respect to FIG. 10, a seal device is shown in which an antenna unit 92 is connected to a chip module 88 through a connection surface arrangement 89. The antenna unit 92 is further connected in parallel to an antenna unit 91 comprising a circuit bridge 93. See Specification at page 11, line 30 to page 12, line 15. Moreover, the Specification expressly states that "[e]ven if the circuit bridge 93 has been separated, in the embodiment shown in Fig. 10 non-contacting data access to the chip module 88 by way of the antenna unit 92 at a correspondingly reduced distance between the seal device 62 and a reading device (not shown in detail in the drawing) is possible." See Specification at page 12, lines 11-15. Accordingly, one skilled in the art would recognize that because the antenna unit 91 and the external circuit bridge 93 are connected in parallel to the chip module 88, the antenna unit 91 is thus connected to the switching circuit to supply energy to the chip module 88 and transmit data from the chip module 88 regardless of whether the external circuit bridge is an open or closed circuit.

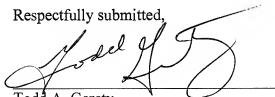
Furthermore, the Specification discloses that the seal device can employ "a transponder" that comprises a chip module 23 and an antenna device 32. See page 8, lines 13-15. As explained in the Specification, the antenna device in the transponder "forms a data transmission device for non-contacting connection of a reading device ... with the data carrier formed by the chip ... of the chip module." See page 8, lines 6-11. Further, the antenna device "makes possible the energy supply necessary for the read-out procedure." See page 8, lines 11-12. One skilled in the art would recognize, without undue experimentation, that one such transponder can be a Radio Frequency IDentification (RFID) tag.

For at least these reasons, claims 1, 2 and 8-20 are fully enabled and clearly define the feature of an antenna device being "connected to the switching circuit to supply energy in a non-contact manner...regardless of whether the external circuit bridge is an open or closed circuit." Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 112.

**CONCLUSION**

In view of the above remarks, it is believed that claims 1, 2, and 8-20 are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd A. Gerety", is written over a horizontal line.

Date: March 29, 2010

Todd A. Gerety  
PTO Reg. 51,729  
Attorney for the Applicant  
Proskauer Rose LLP  
One International Place  
Boston, MA 02110

Tel. (617) 526-9655  
Fax (617) 526-9899